

Appl. No. 09/936,119
Amdt. dated October 8, 2004
Reply to Office Action of July 14, 2004

REMARKS/ARGUMENT

The following is in response to the Office Action of July 14, 2004.

Claims 31-33, 36-40, 42, 45-47, 49-53, 55, 56, and 59-68 are pending in the application.

Claims 31-33, 36-40, 42, 45-47, 49-53, 55, 56, 59-63 and 65-68 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hedstrand et al. (U.S. Patent No. 5,560,929).

Claim 64 has been allowed.

In the previous Office Action of December 15, 2003, the Examiner stated that claims 41, 44, 48-50, 54, and 58-60 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 61 and 62 were allowed.

In the response to that Office Action:

Claim 41 was re-presented as new independent claim 63, which incorporates the features of former intervening claims 28 and 35.

Claim 44 was re-presented as new independent claim 64, which incorporates the features of former intervening claims 28 and 35.

Claim 48 was re-presented as new independent claim 65, which incorporates the features of former intervening claims 28 and 35.

Claims 49 and 50 were amended to be dependent upon claim 65.

Claim 54 was re-presented as new independent claim 66, which incorporates the features of former intervening claims 28 and 35.

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Claim 58 was re-presented as new independent claim 68, which incorporates the features of former intervening claim 28.

Claims 59 and 60 were amended to be dependent upon allowed claims 61 and 62.

Claims 31 and 32 were amended to be dependent upon allowed claim 62, and claim 33 is dependent upon claim 32.

Claims 36-40, 42, 45-47, 51, 52, and 55 were amended to be dependent upon allowed claim 61, and claims 53 and 56 are dependent upon claims 52 and 55, respectively.

Claim 57 was re-presented as independent claim 67, which incorporates the features of claim 55 and allowed claim 61.

Thus, claims 63-68 should have been allowed because they were rewritten in independent form including all of the limitations of the base claim and any intervening claims, as instructed by the Examiner. Claims 61 and 62 should have continued to be allowable. Claim 64 has been allowed. Claims 31-33, 36-40, 42, 45-47, 49-53, 55, 56, 59, and 60 should be allowed because they are all dependent, either directly or indirectly upon claims 63-68.

Hedstrand et al. disclose the modification of dense star polymers or dendrimers having a highly branched interior structure capable of associating or chelating with metal ions by capping with a hydrophobic group capable of providing a hydrophobic outer shell. The modified dendrimers are said to be useful for dispersing metal ions in a non-aqueous polymer matrix. Also dense star polymers or dendrimers having a highly branched hydrophilic interior structure are

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modified by capping with a hydrophobic group capable of providing a hydrophobic outer shell, which modified polymers are said to be useful as gels and surfactants.

In the Office Action of August 22, 2003, the Examiner, in discussing the patentability of claims 34, 41, 43, 44, 48-50, 52-54, and 58 and distinguishing them over Hedstrand et al., stated:

"The prior art does not teach or suggest the instant gelled [*sic*] comprising releasing at least 50 or 80% of the active, dendrimers having the terminal groups of claim 41; dendrimers attaching to elements of group VA of Periodic Table; dendrimer having phosphorus bonds, having cavity and space of claims 48,49. The prior art does not teach or suggest making the instant invention comprising heating the mixture for 0.25 - 45 days at 60-65 degree C. The prior art does not teach or suggest the application of the composition to a surface as claimed in claim 58. The elected gel composition comprising fenamidone (active), dendrimer having core, branches attaching to core, and terminal groups attaching to the branches is not taught or suggested by the prior art."

Claim 34 became claim 62.

Claim 41 became claim 63.

Claim 43 became claim 61.

Claim 44 became claim 64.

Claim 48 became claim 65

Claims 49 and 50 are dependent upon claim 65.

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Claim 52 is dependent upon claim 61.

Claim 53 is dependent upon claim 52.

Claim 54 became claim 66

Claim 58 became claim 68.

Applicants agree with the Examiner's analysis of the patentability of these claims.

Accordingly, it is requested that the rejections of claims 31-33, 36-40, 42, 45-47, 49-53, 55, 56, 59-63 and 65-68 under 35 U.S.C. 103(a) as being unpatentable over Hedstrand et al. be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,



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